



CRL MP(MD) No.17354 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Eleventh day of December Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL MP(MD) No.17354 of 2023

in

CRL RC(MD) No.1365 of 2023

P.SURESHKUMAR

... Petitioner / Petitioner

Vs

P.THARMAKRISHNARAJA

... Respondent / Respondent

Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the sentence imposed in Crl.A.NO.50 of 2023 on the file of IIIrd Additional District and Sessions Judge, Tirunelveli dt.11.10.2023 confirming the conviction and sentence of 6 months Simple Imprisonment and compensation Rs.5,00,000/- in default two months simple imprisonment by the judgment dated 14.03.2023 in S.T.C.No.437 of 2020 on the file of the Special Court for Exclusive Trial of Negotiable Instrument Act, Tirunelveli and grant bail to the petitioner pending disposal of the above revision.

Prayer in CRL RC(MD). 1365/ 2023 :

To call for the records relating to the Impugned order passed in Crl.A.No.50 of 2023 on the file of IIIrd Additional District and Sessions Judge, Tirunelveli dt.11.10.2023 against confirming the conviction and sentence of 6 months simple imprisonment and compensation Rs.5,00,000/- in default two months simple imprisonment by the judgment dated 14.03.2023 in S.T.C.No.437 of 2020 on the file of the Special Court for Exclusive Trial of Negotiable Instrument Act, Triunelveli the petitioner has preferred the present Criminal Revision and set aside the same and



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acquit the accused for the offence under Section 138 of Negotiable Instruments Act.

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Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.ATHIMOOLAPANDIAN.P, Advocate for the petitioner, while admitting the criminal revision cases, the court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the sentence passed by the learned Special Court for Exclusive Trial of Negotiable Instrument Act, Tirunelveli, in S.T.C.No.437 of 2020, dated 14.03.2023, which was confirmed in Criminal Appeal No.50 of 2023, dated 11.10.2023 by the learned III Additional District and Sessions Judge, Tirunelveli, pending disposal of the Criminal Revision Case.

2. The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court on 14.03.2023 for the alleged offence under Section 138 of Negotiable Instrument Act and sentenced him to undergo simple imprisonment for a period of six months and to pay a sum of Rs.5,00,000/- (Rupees Five Lakhs only) as compensation to the respondent, in default to undergo simple imprisonment for a period of three months in S.T.C.No.437 of 2020, on the file of the learned Special Court for Exclusive Trial of Negotiable Instrument Act, Tirunelveli.

3. The learned III Additional District and Sessions Judge, Tirunelveli,



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confirmed the conviction and sentence and dismissed the Criminal Appeal No.50 of 2023, dated 11.10.2023. Challenging the same, the Criminal Revision Case has been filed before this Court along with this miscellaneous petition.

4. It is submitted by the learned counsel for the petitioner that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses.

5. This Court has carefully considered the submission of the learned counsel for the petitioner and also perused the materials available on record.

6. The learned counsel for the petitioner pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal revision and further the criminal revision is not likely to be taken up for final hearing in the near future and as such, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

7. Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision with the following directions:-

- (i) The petitioner is directed to be enlarged on bail on condition that the petitioner shall execute a bond for a sum of



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Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Special Court for Exclusive Trial of Negotiable Instrument Act, Tirunelveli.

(ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity; and

(iii) The petitioner shall appear before the trial Court once in a month i.e., on the first working day of every English calendar month at 10.30 a.m., until further orders.

sd/-
11/12/2023

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/01/2024
Sub-Assistant Registrar
(C.S. I / II / III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TTA

To

1.The Judicial Magistrate,
Special Court for Exclusive Trial of Negtiabie Instrument Act,
Tirunelveli.



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2.Do through the Chief Judicial Magistrate,
Tirunelveli District.

3.The III Additional District and Sessions Judge,
Tirunelveli.

ORDER
IN
CRL MP(MD) No.17354 of 2023
in
CRL RC(MD) No.1365 of 2023
Date :11/12/2023

ED/ JGB /SAR- (10/01/2024) 5P / 4C

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